



## Clearance Required for Safety-Sensitive Positions

Section: Human Resources	Attachment(s):
Policy #:	
Effective Date:	
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Issuing Department: Centre County Office of Human Resources	
Responsible Officer: Human Resources Director	
Required Review Period:	

### **Section 1: Policy Statement**

Centre County Government requires that individuals being appointed to safety-sensitive positions must obtain proper clearances in accordance with state and federal laws and departmental policy.

A safety sensitive position is one in which the employee holding the position has a responsibility for his or her own safety and/or other peoples' safety. Failure to perform can result in a direct threat to their safety and/or the safety of others.

### **Section 2: Overview**

This policy is founded on the Pennsylvania Child Protective Services Law, Act 33 of 1985, as amended (23 Pa.C.S. Chapter 63); the Pennsylvania Older Adults Protective Services Law, Act 79 of 1987; the Commonwealth Law Enforcement Assistance Network (CLEAN) established in accordance with Pa C. S. Title 18 by local departmental policy for corrections and 9-1-1 Emergency Communications Services; and the federal FBI Clearance Act 114 as applicable under departmental policy.

### **Section 3: Provisions**

This policy applies to County employees, prospective County employees who have received and offer of employment, volunteers, interns and independent contractors and sub-contractors who provide services to the County offices listed in Section 4. The Board of Commissioners may designate coverage to other internal and external offices as necessary to comply with PA Act 33, PA Act 79, and departmental policy.

### **Section 4: Procedures**

With one exception as noted, all employees, prospective employees, volunteers, interns, sub-contractors and independent contractors providing services or who will be providing services for the following Centre County Government Offices must adhere to the following directives and schedules.

County Office	Compliance Directive	Clearance Schedule
Central Booking Center	JNET / CLEAN	At time of hire and every 2 years
Children & Youth Services	Act 33	At time of hire and every 3 years
Correctional Facility	CJIS / JNET	At time of hire and every 2 years
District Attorney *	Act 33 / Departmental Policy / Procedure	At time of hire and every 3 years
Domestic Relations Enforcement Officers	Departmental Policy / Procedure	At time of hire / JNET every 2 years
Drug & Alcohol	Act 33	At time of hire and every 3 years
Facility Management	Departmental Policy / Procedure / CJIS	At time of hire
9-1-1 Emergency Communication	Pa C. S. Title 18 / (CJIS) / JNET / Departmental Policy / Procedure	At time of hire and every 2 years
Mental Health/ Intellectual Disability/ Early Intervention	Act 33	At time of hire and every 3 years
Office of Aging	Act 79	At time of hire
Probation/Parole	Act 33 / NCIC / JNET / MVRs / Departmental Policy / Procedure	At time of hire / JNET every 2 years / Child Abuse Clearance (Act 33) and NCIC every 5 years
Sheriff's Department	JNET / Departmental Policy / Procedure	At time of hire / JNET every 2 years
Transportation	Act 33 and Act 79 / Departmental Policy	At time of hire and annually for background check

\* For the Office of District Attorney, the following positions must comply with this directive: District Attorney, First Assistant District Attorney, Deputy District Attorney, Assistant District Attorneys, the Victim Advocates, the Department Clerk, and the County Detective.

NOTE: JNET provides immediate notification if any safety sensitive individuals are arrested for misdemeanors or above.

- a. Securing Clearance -- Refer to the chart below to determine who is responsible for payment of required clearances.

County Office	Clearance At Time of Hire		Subsequent Clearances
	Compliance Directive (see above chart)	Drug Testing	
Central Booking Center	County	County	County
Children & Youth Services	Prospective Employee	County	County
Correctional Facility	County	County	County
District Attorney	Prospective Employee	County	County
Domestic Relations Enforcement Officers	Prospective Employee	County	County
Drug & Alcohol	Prospective Employee	County	County
Facility Management Vehicle Operators	Prospective Employee	County	County
9-1-1 Emergency Communication	County	County	County
Mental Health/ Intellectual Disability/ Early Intervention	Prospective Employee	County	County
Office of Aging	Prospective Employee	County	County
Probation/Parole	County	County	County
Sheriff's Department	Prospective Employee	County	County
Transportation	Prospective Employee	County	County

- No prospective employee shall be appointed, nor contracting occur, until the appropriate clearance has been obtained and presented to the applicable department head and the Office of Human Resources.

b. Compliance Recording

County department heads of the offices listed above shall submit a listing of their staff positions covered by Act 33, Act 79, or departmental policy to the County Administrator, with a copy to the Office of Human Resources. Requests for additional positions shall indicate whether the position is covered by either Act or departmental policy.

Contracts between the County and any provider of direct services for the County offices listed in Section 4 (above) shall contain language requiring compliance with either Act 33, Act 79, or departmental policy.

- The department heads shall obtain, from contractors and/or outside service providers a letter indicating their understanding and intention to fully comply with the applicable provisions of Acts 33 and/or 79, and/or Centre County departmental policies for existing employees, as well as, a copy of the procedures the contractor has effected to comply with hiring applicants into positions covered by the Acts and/or departmental policy.
- This information shall be forwarded to the Centre County Administrator and attached to the executed contract for services.

## **Section 5: Definitions**

Applicant -- For purposes of this policy, an applicant is any person who applies for a position with a contractor who has an existing contract or intends to contract with any of the County offices listed in Section 4.

CJIS – The Criminal Justice Information Services, established in 1992, is the largest division of the FBI, and comprises several departments, including the National Crime Information Center (NCIC), Integrated Automated Fingerprint Identification System (IAFIS) and the National Instant Criminal Background Check System (NICS).

CLEAN - The Commonwealth Law Enforcement Assistance Network (CLEAN) is used by the Commonwealth's criminal justice agencies to access driver license and motor vehicle information, state criminal history record information maintained in the Pennsylvania State Police Central Repository, the Commonwealth's central registry for Protection from Abuse orders, and a host of other services. CLEAN is Pennsylvania's conduit to NCIC, the FBI's National Crime Information Center, and to Nlets, the International Justice and Public Safety Information Sharing Network.

JNET – The Pennsylvania Justice Network provides access to public safety and criminal justice information from federal, state and local sources.

NCIC – The National Crime Information Center is an electronic clearinghouse of crime data that can be accessed by criminal justice agencies nationwide.

## **Related Policies:**

**Physical Examinations Policy**

**Merit Hire Policy**

Repealer and Severability:

All prior policies and/or directives or parts of policies and/or directives that are contrary to the provisions of this policy are hereby repealed to give this policy full force and effect.

If any section, clause, sentence, provision, or any part of this policy is held to be invalid or unconstitutional, the remaining sections, clauses, sentences, or parts not included therein, will remain in full force.

Exception to this policy may only be granted by the Board of Commissioners.

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